* ZONING COMMISSIONER Riderwood-Lutherville Drive, 300' E of Morris Avenue * OF BALTIMORE COUNTY (1920 Greenspring Drive) 8th Election District

* Case No. 89-80-SPHA 4th Councilmanic District Central Laboratory of Assoc.

Maryland Pathologists - Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to permit access to an office/laboratory use through a D.R. 5.5 zone, and variances to permit side and rear yard setbacks of 30 feet each in lieu of the required 50 feet for the existing laboratory and to permit the proposed office/ research building to be located within 100 feet of the D.R. 5.5 zone line, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Robert A. Hoffman, Esquire, appeared and testified. Mr. George Gavrelis, an expert witness with Daft-McCune-Walker, Inc. also appeared in support of the Petition. There were no Protestants.

At the onset of the hearing, Counsel for Petitioner entered a revised plan, identified as Petitioner's Exhibit 2, depicting some minor modifications which took place at the CRG meeting but which did not affect the variance request. Further, Mr. Hoffman confirmed that the Petition for Special Hearing in this matter had been withdrawn in accordance with the letter dated July 11, 1988 from John Trueschler of Commercial Development, Inc., identified herein as Petitioner's Exhibit 1, which was ap-D B proved by James E. Dyer, Zoning Supervisor, on July 25, 1988.

> Testimony indicated that the subject property, known as 1920 Greenspring Drive, is zoned M.L.-I.M., and is currently improved with an existing two-story medical laboratory. Petitioner proposes construction

of a three-story addition to the existing laboratory facility and the construction of a separate two-story office/research and development building on the adjacent property. Testimony indicated that portions of the existing laboratory and proposed office/research and development buildings are within 100 feet of the M.L./D.R. 5.5 demarcation line, and as such, require side yard setbacks. Counsel testified Petitioner would suffer hardship and practical difficulty if portions of the proposed building had to be redesigned and reduced in size in order to meet the setback require-

In support of the requested variance, Counsel introduced as Petitioner's Exhibit 3 a letter from Charle P. Forbes of the Lutherville Community Association which indicates they have no objection to the proposed

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily

> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

PETITION FOR SPECIAL HEARING

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safe-

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this Office day of October, 1988 that the Petition for Special Hearing to permit access to an office/laboratory use through a D.R. 5.5 zone, be and is hereby DISMISSED as moot; and,

IT IS FURTHER ORDERED that variances to permit side and rear yard setbacks of 30 feet each in lieu of the required 50 feet for the existing laboratory and to permit the proposed office/research building to be located within 100 feet of the D.R. 5.5 zone line, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

> 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original

2) When applying for a building permit, the site plan and lanscaping plan filed must reference this case and set forth and address the restrictions of this Order.

Petitioner shall comply with all requirements as set forth in the Zoning Plans Advisory Committee comments which have been adopted in their entirety and made a part of this Order.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 194-3353 J. Robert Haines

John B. Howard, Esquire Robert A. Hoffman, Esquire 210 Allegheny Avenue Towson, Maryland 21204

RE: PFTITIONS FOR SPECIAL HEARING AND ZONING VARIANCE " M/S Riderwood-Lutherville Drive, 300' E of Morris Avenue (1920 Greenspring Drive) 8th Election District - 4th Councilmanic District Central Laboratory of Associated Maryland Pathologists - Petitioners Case No. 89-80-SPHA

Dear Messrs. Howard & Hoffman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours, Robot Haines - ROBERT HAINES Zoning Commissioner

for Baltimore County

JRH:bjs cc: People's Counsel

Dennis F. Rasmussen

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____ the sole means of access for an office/laboratory use through a CR 5.5 zone (CMDP BM-1)

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

NW 13/ Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon fit ing of this Petition, and further agree to and are to be bound by the zoning regulations aff resultions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Central Laboratory of Associated MD Pathologists. Ltd. (C.L.A.M.P.) Commercial Development, Inc. (Type of Print Name) Address 420 Virginia Avenue Towson, Maryland 21204 City and State Attorney for Petitioner: John B. Howard 1920 Greenspring Drive (Type or Print Name) Timonium, Maryland 21093 210 Allegheny Avenue Name, address and phone number of legal owner, con

tract purchaser or representative to be contacted Towson, Maryland 21204 John B. Howard Name 210 Allegheny Avenue Attorney's Telephone No.: _ 823-4111 Towson, Maryland 21204 ORDERED By The Zoning Commissioner of Baltimore County, this ----, 19_59, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore 25Nd day of september, 19 8, at 9:00 o'clock

ESSINATED LEIGHT OF PRESTITE -1/22AL AVAILABLE FOR BEARING ENTERNY CAT TYSH - . GENY. SOUTY. BOM REVIEWED BY: CUR

PETITION FOR ZONING VARIANCE

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 255.2, to allow sideyard setback of 30 ft. in lieu of the required 50 ft. for the portions of the existing lab and proposed office/research building within 100 ft. of the DR5.5 zone of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

µW131

To be determined at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

#466

Contract Purchaser: Legal Owner(s): Central Laboratory of Associated MD Commercial Development, Inc. Pathologists, Ltd. (C.L.A.M.P.) (Type or Print Name) (Type)or, Print Name) Signature By: Dr. John Adams Address 420 Virginia Avenue (Type or Print Name) Towson, Maryland 21204 City and State Attorney for Petitioner: John B. Howard 1920 Greenspring Drive (Type or Print Name) The fored PH Timonium, Maryland 21093 210 Allegheny Avenue Name, address and phone number of legal owner, contract purchaser or representative to be contacted Towson, Maryland 21204 John B. Howard City and State Name 210 Allegheny Avenue Attorney's Telephone No.: 823-4111 Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this

DATE 6/24/88

ESTIMATED LEAGHT OF REMAINS AVAILATLE FOR SEMANG Siteon Cat them - Heat the Mosties

4) The Petitioner shall provide a landscape plan to the Office of Current Planning for approval by the Baltimore County Landscape Planner. Said landscape plan shall then be submitted to the Zoning Commissioner for approval. The approved landscape plan shall become a permanent part of the record and file in this

for Baltimore County

DAFT-MCCUNE-WALKER, INC



nnsylvania Avenue Towson, Maryland 21204 Telephone: 301—296-3333 Land Planning Consultants Landscape Architects **Engineers & Surveyors**

Description

6.205 Acres Parcel for Zoning Variance

Approximately 300 Feet East of Morris Avenue, 400 Feet South of Forest Drive, Eighth Election District Baltimore County, Lutherville, Maryland

Beginning for the same on the northerly right-of-way line of Riderwood-Lutherville Drive, of variable width, at a point at the end of the two following courses measured from the center line intersection of Riderwood-Lutherville Drive at Morris Avenue, viz; (1) binding on the center line of Riderwood-Lutherville Drive southeasterly by a line curving to the left having a radius of 599.89 feet for a distance of 330.00 feet, thence (2) radially in a northeasterly direction 35.00 feet to the point of beginning, thence leaving said point of beginning and running for new lines the fifteen following courses and distances, viz: (1) North 19 degrees 35 minutes 50 seconds East 125.08 feet, thence (2) North 22 degrees 08 minutes 00 seconds West 208.39 feet, thence (3) North 22 degrees 51 minutes 00 seconds East 139.79 feet, thence (4) North 80 degrees 29 minutes 52 seconds East 430.28 feet, thence (5) South 02 degrees 35 minutes 02 seconds West 291.42 feet, thence (6) North 75 degrees 39 minutes 00 seconds East 291.14 feet, thence (7) Southeasterly by a line curving to the left having a radius of 75.00 feet for a distance

of 17.75 feet (the arc of said curve being subtended by a long chord bearing South 51 degrees 02 minutes 40 seconds East 17.71 feet), thence (8) South 06 degrees 12 minutes 30 seconds West 54.13 feet, thence (9) North 75 degrees 39 minutes 00 seconds East 75.02 feet, thence (10) South 14 degrees 21 minutes 00 seconds East 140.00 feet, thence (11) South 75 degrees 39 minutes 00 seconds West 500.00 feet, thence (12) North 14 degrees 21 minutes 00 seconds West 140.00 feet, thence (13) South 75 degrees 39 minutes 00 seconds West 100.00 feet, thence (14) South 01 degree 26 minutes 04 seconds East 129.82 feet, and thence (15) Northwesterly by a line curving to the right having a radius of 579.89 feet for a distance of 217.40 feet (the arc of said curve being subtended by a long chord bearing North 81 degrees 11 minutes 40 seconds West 216.13 feet) the point of beginning; containing 6.205 acres of land more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

Our Job No. 82031 (L82031) June 17, 1988



Office of Planning & Zoning Towson, Maryland 21204

Central Laboratory of Associated Maryland Pathologists, Ltd. 1920 Greenspring Drive Timonium, Maryland 21093

Re: Petition for Special Hearing CASE NUBITER: 89-80-SPH N/S Riderwood-Lutherville Drive, 330' E Morris Avenue (1920 Greenspring Drive) 8th Election District - 4th Councilmanic Petitioner(s): Central Laboratory of Associated Maryland Pathologists, Ltd. Contract Purchaser(s): Commercial Development, Inc. HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 9:00 a.m.

Please be advised that \(\frac{\frac{134.38}{18}}{18} \) is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it alorg with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before bearing is scheduled to begin.

each set not BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT B\ | B 011 13438: 2093:

VALIDATION OR SIGNATURE OF CASHIEF

N/S Riderwood-Lutherville Dr.. 330' E Morris Ave. (1920 Greenspring Dr.), 8th District

OF BALTIMORE COUNTY

CENTRAL LABORATORY OF ASSOCIATED (C.L.A.M.P.), Petitioner

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Herlie Cole Freedman Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 11th day of August, 1988, a copy of the foregoing Entry of Appearance was mailed to John B. Howard, Esquire, 210 Allegheny Ave., Towson, MD 21204, Attorney for Petitioner; and Andrew J. Poffel, President, Commercial Development, Inc., 420 Virginia Ave., Towson, MD 21204, Contract Purchaser.

Keter Max Zumen

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING

August 1, 1988



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson. Maryland as follows:

Petition for Special Hearing CASE NUMBER: 89-80-SPH N/S Riderwood-Lutherville Drive 330° E Morris Avenue (1920 Greenspring Drive) 8th Election District - 4th Councilmanic Petitioner(s): Central Laboratory of Associated Maryland Pathologists, Ltd. (C.L.A.M.P.) HEARING SCHEDULED: THURSDAY, SEPTEMBER 22, 1988 at 9100 a.m.

Variance to allow a sideyard and rear yard setback of 30 ft. in lieu of the required 50 ft. for the portions of the existing lab and proposed office/research building within 100 feet of the DR5.5 line. Special Hearing: To approve the sole means of access for an office/laboratory use

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County cc: Or. John Adams Mr. Andrew J. Poffel

through a DR5.5 zone.

Spicine Hearing and Varian Central Laboratory of associated Mary land maris arenu (1920 Trunsping Dain north side of Riderwood - Tidherville Drive

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OTICE OF HEARING

The Zoning Commissioner of Selimore County, by authority of the Zoning Act and Regulations if Baltimore County will hold a

COME CONTRACTOR OF A STREET

Polition for Special Hearing Case number: 89-80-SPH NS Riderwood-Lutherville & Drive, 330' E Morris

Sept. 22, 1988 at 9:00 a.m.

Sept. 22, 1988 at 9:00 a.m.

Va. lervoe to allow a side yard and near yard serback of 30 R. in less of the required 50 R. for the portions of the sessing lab and proposed office-research building within 100 feet of the DR5.5 line.

Special Hearing: To approve the sole means of access for an office-laboratory use through a DR5.5 zone, in the event that this Puttion is granted, a building permit may be assed within the thirty (30) day appeal period. The Zonney Commissioner will, sowewar, entertain any request for a stay of the insurnor of said parmit during this pariod for good cause shown. Such request must be in writing and faceived in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

COMMERCIAL

DEVELOPMENT

111 W. Chesapeake Avenue

Towson, Maryland 21204

Mr. James E. Dyer

Zoning Supervisor

Room 113

Dear Mr. Dyer:

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Man. 22/, 1988

TOWSON TIMES.

Date of return: Systember 2 - 88

A STATE OF THE STA

89-80-SPHA

PETITIONER'S

7-11-88-3

The C.L.A.M.P. development plan meets the intent of the zoning policy. The access road does not pass through a residential neighborhood; it is linked to Green Spring Drive, a road used exclusively for commercial and industrial uses. Furthermore, the access road is designed to be more than 80' from the closest property line, and is screened by a berm and evergreen trees as part of the developer's covenants with the community. The access road will have no effect on the community.

After discussing the plan with you, it is our understanding that a special hearing to permit the access road to go through the residential zone will not be required. If you believe that my summary of our discussion and of the interpretations reached is correct, please affirm your concurrence in the space provided below.

Very truly yours,

COMMERCIAL DEVELOPMENT, INC.

CERTIFICATE OF PUBLICATION

TOWSON, MD. Mugus + 25. 19 8

THE JEFFERSONIAN,

5.70 Le Onlan

THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published

in Towson, Baltimore County, Md., once in each of / successive

weeks, the first publication appearing on $\frac{25}{1985}$

JT:smz

George E. Gavrelis, Daft-McCune-Walker, Inc. Zoning (2)

Mr. James E. Dyer July 11, 1988 Page 2

A property on the second second second second

Petition for Special Hearing Case number: 89-80-3PH § N/S Piderwood-Lutherville

Variance to allow a sideyard and rear yard setback of 30 ft. in less of the required 50 ft. for the

In the event that this Position

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period for good cause show Such request must be in writt

and received in this office by the

J. ROBERT HAINES

road, storm water management ponds, grading and planting as shown on the CRG plan. More importantly, the covenants specifically preclude, in perpetuity, the construction of any type of building or parking. Having satisfied the third criterion, the need for a hearing is a matter of "judgment for the Zoning Commissioner and/or the Zoning

420 Virginia Avenue • Towson, Maryland 21204 • 301 296-7373

Baltimore County Zoning Department EXHIBIT 111 W. Chesapeake Avenue

RE: Commerical Access Road to the C.L.A.M.P. property through a residential zone; no special hearing required

Wednesday, July 6. Enclosed is a print of the CRG plan.

through a portion of C.L.A.M.P. property zoned DR 5.5.

which prevents a residential use."

hearing "based on a determination that:

I am writing to confirm the outcome of our 11:00 A.M. meeting on

The sole access to the C.L.A.M.P. property is off of Green Spring

It is our understanding that no special hearing will be required

and/or the land in issue is subject to other restrictions

The C.L.A.M.P. access road satisfies the third criterion. As

the C.L.A.M.P. property have entered into restrictive covenants with

part of the CRG process and approval, the owners and developers of

the Lutherville Community Association. Those covenants restrict

improvements within the DR 5.5 portion of the site to the access

Drive, an exclusively commercial road serving a large tract of ML-IM

terminates in a cul-de-sac at the southern end of the ML-IM zone; the

land east of I-83 and south of Timonium Road. Green Spring Drive

C.L.A.M.P. access is off the cul-de-sac. The access road passes

for this access. Baltimore County zoning policy "BM-1 Access"

paragraph A.2 states: "Access through a residential zone for a

commercial or industrial use may be permitted if it is the sole

Zoning Commissioner and/or the Zoning Supervisor" the need for a

1. it is the only possible access from a public street;

and/or the residential land in issue is too small;

access." The paragraph continues by leaving to "the judgment of the

Supervisor."

Lutherville Community Association P/O Box 6 Lutherville, Maryland 21093

September 19, 1988

Zoning Office Baltimore County

RE: Zoning Variances Required for implementation of "C.L.A.M.P. PROPERTY C.R.G. (CRG Plan No. VIII-390).

To Whom It May Concern:

The Lutherville Community Association, Inc. has worked with Commercial Development, Inc., developers of the CLAMP property, to insure that the proposed development has minimal impact on the adjacent community. Agreements between CDI and the Association have been formally covenanted in an agreement that will be recorded and run with the land forever. Adjacent neighbors have been active participants in these negotiations and are signatories to the covenant.

Because of the guarantees made to us in the agreed covenant, the Lutherville Community Association has no objection to the variances required in order to implement the CRG plan; said variances having been noted in the plan and brought to the attention of the Association and community.

Chair, Zoning Committee

PETITIONER'S EXHIBIT 3

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 16, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave

MEMBERS

Department of

Bureau of Fire Prevention

Realth Department

Project Planning

Board of Education

Industrial

Building Department

Zoning Administration

Bureau of

John B. Howard, Esquire Cook. Howard. Downes and Tracy 210 Allegheny Avenue Towson, Maryland 21204

RE: Item No. 466 - Case No. 89-80-SPHA Petitioner: Central Laboratory of Associated MD Pathologists, Ltd. (C.L.A.M.P.) Contract Purchaser: Commercial Development, Inc. Petition for Zoning Variance and Special Hearing

Dear Mr. Howard:

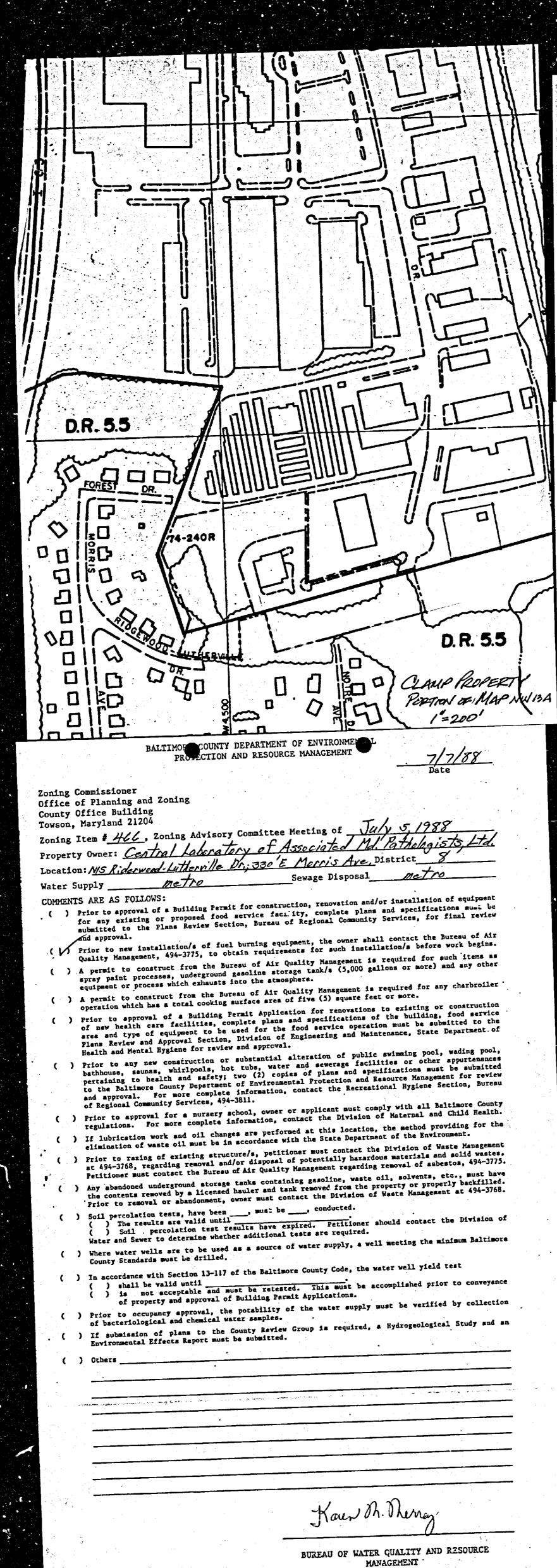
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Zoning Plans Advisory Committee

cc: Daft-McCune-Walker Inc. د C East Joppa Road Towson, Maryland 21204



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204 Your petition has been received and accepted for filing this day of July Central Laboratory of Assoc. Received by: Petitioner MD Pathologists, Ltd. Chairman, Zoning Plans Petitioner's Advisory Committee Attorney John B. Howard Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554 July 26, 1988 Mr. J. Robert Haines Zoning Commisioner County Office Building Towson, MD 21204 Meeting of July 5, 1988 Item No. 466 Central Laboratory of Md. Property Owner: N/S Riderwood Dr. Location: M.L. - I.M., D.R. 5.5 Existing Zoning:

Please see the CRG Comments for this site.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines TO Zoning Commissioner Date August 31, 1988

Pat Keller, Deputy Director
FROM Office of Planning and Zoning C.L.A.M.P. Development SUBJECT Zoning Petition No. 89-80-SPHA

The subject tract was reviewed via CRG in June 1988. The project has been revised and amended to address County concerns. The CRG was continued, however, to allow residents and the developer time to develop and record restrictive covenants on the property. The covenants deal with a wide range of issues including landscaping, buffer yards, building height, access, building material, etc. The Office of Planning and Zoning reviewed the proposed covenants and has no problem with the proposed development provided that the covenants are agreeable to residents and duly recorded.

Baltimore County Fire Department Towson, Maryland 21294-2586 494-4500

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Item No.: 466



Central Laboratory of Assoc. Md. Pathologists, Dennis F. Rasmussen Ltd. (C.L.A.M.P.) Location: N/S Riderwood - Lutherville Dr., 330' E. Morris Avenue

July 15, 1988

1920 Greenspring Drive

Zoning Agenda: Meeting of 7/5/88

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Pro-tection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cut Joseph Killy 7-15 88 Approved: John & c'Neill Planking Group

Special Inspection Division

Fire Prevention Bure

KEULINE / JULIE & JULIO

7-11-88-3

COMMERCIAL DEVELOPMENT INCORPORATED

July 11, 1988

Mr. James E. Dyer Zoning Supervisor Baltimore County Zoning Department 111 W. Chesapeake Avenue Room 113 Towson, Maryland 21204

RE: Commerical Access Road to the C.L.A.M.P. property through a residential zone; no special hearing required

I am writing to confirm the outcome of our 11:00 A.M. meeting on Wednesday, July 6. Enclosed is a print of the CRG plan.

The sole access to the C.L.A.M.P. property is off of Green Spring

Drive, an exclusively commercial road serving a large tract of ML-IM land east of I-83 and south of Timonium Road. Green Spring Drive terminates in a cul-de-sac at the southern end of the ML-IM zone; the C.L.A.M.P. access is off the cul-de-sac. The access road passes through a portion of C.L.A.M.P. property zoned DR 5.5.

It is our understanding that no special hearing will be required for this access. Baltimore County zoning policy "BM-1 Access" paragraph A.2 states: "Access through a residential zone for a commercial or industrial use may be permitted if it is the sole access." The paragraph continues by leaving to "the judgment of the Zoning Commissioner and/or the Zoning Supervisor" the need for a hearing "based on a determination that:

- 1. it is the only possible access from a public street;
 - and/or the residential land in issue is too small;
- and/or the land in issue is subject to other restrictions which prevents a residential use."

The C.L.A.M.P. access road satisfies the third criterion. As part of the CRG process and approval, the owners and developers of the C.L.A.M.P. property have entered into restrictive covenants with the Lutherville Community Association. Those covenants restrict improvements within the DR 5.5 portion of the site to the access road, storm water management ponds, grading and planting as shown on the CRG plan. More importantly, the covenants specifically preclude, in perpetuity, the construction of any type of building or parking. Having satisfied the third criterion, the need for a hearing is a matter of "judgment for the Zoning Commissioner and/or the Zoning

420 Virginia Avenue • Tourson, Maryland 21204 • 301 296-7373

co: John B. Hanard, Eng.

July 11, 1988 Page 2

The C.L.A.M.P. development plan meets the intent of the zoning policy. The access road does not pass through a residential neighborhood; it is linked to Green Spring Drive, a road used exclusively for commercial and industrial uses. Furthermore, the access road is designed to be more than 80' from the closest property line, and is screened by a berm and evergreen trees as part of the developer's covenants with the community. The access road will have no effect on the community.

After discussing the plan with you, it is our understanding that a special hearing to permit the access road to go through the residential zone will not be required. If you believe that my summary of our discussion and of the interpretations reached is correct, please affirm your concurrence in the space provided below.

Very truly yours,

COMMERCIAL DEVELOPMENT, INC.

John Trueschler

George E. Gavrelis, Daft-McCune-Walker, Inc.

LAW OFFICES COOK, HOWARD, DOWNES & TRACY

210 ALLEGHENY AVENUE P.O. BOX 5517 TOWSON, MARYLAND 21204 TELEPHONE (301) 823-4111 TELECOPIER (301) 821-0147

KATHRYN L. KOTZ JAMES R. MACALISTER REGAN J. R. SMITH DIRECT DIAL NUMBER NEWTON B. FOWLER, III MARK E. SMITH (301) 494-9162 JAMES D. C. DOWNES

JUDITH A. ARMOLD DEBORAH C. DOPKIN KATHLEEN GALLOGLY COX

J. MICHAEL BRENNAN

August 5, 1988

Hand Delivery

JAMES H. COOK JOHN B. HOWARD

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J. Robert Haines Zoning Commissioner Baltimore County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Re: Central Laboratory of Associated MD Pathologists, Ltd. Case No.: 89-80-SPHA

Dear Mr. Haines:

On behalf of the Petitioner in the above-referenced case, please withdraw without prejudice the Petition for Special Hearing. Attached is a copy of a letter signed by Jim Dyer confirming that no special hearing is required. Please note that the Petition for Variance also filed in connection with this property is not being withdrawn.

Thank you.

Very truly yours

RAH: AAM: bw Enclosure cc: John Trueschler

